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ABSTRACT

Designed for use by librarians, teachers, and students, this booklet provides information on permissable levels of and limitations on the photocopying of copyrighted material for educational purposes, as outlined by the Copyright Law of 1976 (PL 94-553), its subsequent amendments, and guidelines, effective January 1, 1978. Following introductory material on the "fair use" provisions of the Copyright Law, guidelines are presented which cover classroom copying of print materials in not-for-profit educational institutions, the educational photocopying of pieces of music, off-air recording of television broadcast programming for educational use, and the copying of microcomputer software. A sample request for permission to photocopy sections of copyrighted material is provided. It is recommended that Texas school boards adopt and adequately publicize policies designed to guide school personnel in complying with the Copyright Law. Also provided are lists of the members of the Texas State Board of Education and the heads of the State Board of Education committees as well as a 13-item bibliography. (ESR)

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This publication was developed by staff in the Office of the Deputy Commissioner for Professional Development and Support.

Grace Grimes
Deputy Commissioner for Professional Development and Support

Marvin Veselka
Associate Commissioner for Professional Support

INSTRUCTIONAL TECHNOLOGY AND MEDIA DIVISION

Dr. Mary Boyvey, Program Director
Gary Haseloff, Program Director
Sandra Pratscher, Program Director
Keith Mitchell, Education Specialist

FOREWORD

Copyright, School and "Fair Use" is designed to help satisfy many requests by librarians, teachers, and students for information concerning rights, responsibilities and limitations under the revised Copyright Law enacted by the Congress on January 1, 1978, as well as amendments and pertinent guidelines issued since then.

The "fair use" provision of the law gives librarians, teachers and students certain rights to make copies of copyrighted material without permission from or payment to copyright owners. The law also imposes limitations on such copying.

Because the "fair use" provision is general, it is not subject to either precise definition or automatic application. For this reason, some librarians and teachers have been reluctant to exercise their rights of "fair use". The copyright law with its legislative history protects educators by guaranteeing their rights of access to information for teaching and learning purposes. Conversely, educators have an ethical responsibility and a legal obligation not to abuse the "fair use" provision and to restrict, to the best of their ability, piracy of software and unlawful reproduction of copyrighted materials.

In order to ensure compliance with the Copyright Law, its amendments and guidelines, school boards should adopt policies designed to guide school personnel. These policies should be well publicized, with pertinent reference charts posted near photocopy and other duplicating equipment.

Raymon L. Bynum
Commissioner of Education

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INTRODUCTION

Fair Use Provisions

The United States Copyright Law, P.L. 94-553, was implemented January 1, 1978. Because of concerns expressed by educational groups, Congress appointed committees to formulate guidelines regarding the Act. These guidelines serve as "an indication of the legislative intent of the law, intended to be used by individuals and the courts in future deliberations concerning copyright violations."

Since the law is the result of much compromise among educational groups, publishing houses, producers of nonprint materials, authors, and other interest groups, there is not universal agreement on the merits of certain of its sections. Even though basic guidelines are reported in the legislation, the courts will continue to have an active role in balancing the needs of the education community with the rights and property of authors, publishers, and producers on a case by case basis. Important decisions reported in the press and the literature will provide clarification and further interpretation in future years.

Educators in nonprofit educational institutions, grades K-12, are primarily interested in the "fair use" provision of the law. A basic understanding of "fair use" is necessary in order that the teachers may comply with the law and its accompanying guidelines. Section 107 of the Copyright Law states:

> the fair use of a copyrighted work, including such use by reproduction in copies, phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—
> (1) the purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes;
> (2) the nature of the copyrighted work;
> (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
> (4) the effect of the use upon the potential market for or value of the copyrighted work.

Because the "fair use" provision of the law is general, it is not subject to either precise definition or automatic application. Within the general parameters of the "fair use" section, the guidelines prepared by the committees appointed by Congress "to interpret" the Law have direct implications for classroom teachers. An outline of the guidelines with some commentary and examples of "fair use" applications by type of media will be presented to assist teachers in deciding whether a copy may lawfully be made.

The law offers specific guidance for some copying of some media for some purposes. In other areas the law is not clear and these will be noted and caution will be urged in not exceeding a reasonable "fair use" application. Strict prohibitions are stated in some guidelines, and schools should take precautions to ensure observance of the prohibitions by teachers and students.

Although case law on copyright infringement at K-12 levels is minimal, administrators are advised to develop and obtain school board adoption of policies designed to comply with the spirit of the law as well as to anticipate potential problems. Additional measures which may ensure awareness and understanding of the "fair use" provisions include:

- Scheduling inservice meetings to present and discuss the policies
- Labeling unsupervised photocopy and other duplicating equipment with notices stating: "this material may be protected by copyright law (Title 17, U. S. Code)"
- Developing a form letter to request copyright permission through one person (e.g., librarian) who would also maintain all records and correspondence.

PRINT

Agreement on Guidelines for Classroom Copying In Not-For-Profit Educational Institutions

With Respect to Books and Periodicals

The purpose of the following guidelines, adopted by Congressman Kastenmeier, is to state the minimum but not the maximum standards of educational "fair use" under Section 107 of H.R. 2223. These guidelines were formulated from recommendations made by a committee of authors, publishers and library representatives appointed by Congressman Kastenmeier to determine the application of "fair use" in the print area. The parties agree that the conditions determining the extent of permissible copying for educational purposes may change in the future; that certain types of copying permitted under these guidelines may not be permissible; and, conversely, that other types of copying not permitted under these guidelines may be legal under revised guidelines.

The following guidelines are not intended to limit the types of copying permitted under the standards of "fair use" stated in Section 107 of the Copyright Revision Bill. There may be instances in which copying which does not fall within the guidelines may, nonetheless, be permitted under the doctrine of "fair use".

Guidelines

I. Books and Periodicals—Single Copying for Teachers

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

A. A chapter from a book;

B. An article from a periodical or newspaper;

C. A short story, short essay, or short poem, whether or not from a collective work;

D. A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.

Examples of permissible single copying for individual teachers are:

- The librarian is requested by the teacher to photocopy a short editorial from the newspaper for use in a language arts class.
- The librarian is requested by the social studies teacher to prepare a paper copy of two frames from a microfiche for the bulletin board in his/her room.
- The librarian is requested by the science teacher to make a transparency of a photograph in a periodical to show a class how an earthquake is located by triangulation.
- The homemaking teacher makes ones photographic slide of a dress style from a book containing some 200 pictures of dress through the ages to demonstrate similarities with current styles.

Comments:

- Each teacher may retain and continue to use the copy in following semesters or years.
- Although each teacher requested the copy in a media format requiring a different process of reproduction, the important consideration is that only a single copy was made. Technically, it might be argued that the transparency and the slide required an intermediate copy, but the intention is clearly a single copy in an appropriate format.
- Little or no concern is found in the guidelines or the literature for teachers' making a single copy. This practice seems generally accepted as consistent with the teacher's role in instruction.
- Librarians should be aware that in all the examples the copying was not done for library use, that is, to add to the library collection, but as the agent of a user possessing a "fair use" privilege.

Under the "fair use" provision, a teacher may not photograph each illustration in a short children's book; nor may the teacher make an audio recording of the entire text of such a book.

II. Books and Periodicals—Multiple Copies for Classroom Use

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion; provided that:

A. The copying meets the tests of brevity and spontaneity as defined below; and,

B. Meets the cumulative effect test as defined below; and,

C. Each copy includes a notice of copyright.

Definitions –

Brevity

(i) Poetry: (a) A complete poem if less than 250 words and if printed on not more than two pages or, (b) from a longer poem, an excerpt of not more than 250 words.

(ii) Prose: (a) Either a complete article, story or essay of less than 2,500 words, or (b) an excerpt from any prose work of not more than 1,000 words, or 10% of the work, whichever is less, but in any event a minimum of 500 words.

[Each of the numerical limits stated in "i" and "ii" above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.]

(iii) Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.

(iv) "Special" works: Certain works in poetry, prose or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph "ii" above notwithstanding such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof, may be reproduced.

Spontaneity

(i) The copying is at the instance and inspiration of the individual teacher, and

(ii) The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

Cumulative Effect

(i) The copying of the material is for only one course in the school in which the copies are made.

(ii) Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.

(iii) There shall not be more than nine instances of such multiple copying for one course during one class term.

[The limitations stated in "ii" and "iii" above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.]

III. Prohibitions as to I and II Above

Notwithstanding any of the above, the following shall be prohibited:

(A) Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.

(B) There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.

(C) Copying shall not:
(a) substitute for the purchase of books, publishers' reprints or periodicals;
(b) be directed by higher authority;
(c) be repeated with respect to the same item by the same teacher from term to term.

(D) No charge shall be made to the student beyond the actual cost of the photocopying.

Examples of permissible multiple copying might be:

- As a result of conflicting reports regarding the legendary lady atop the State Capitol, a teacher requests the librarian to make 27 copies of a one-page excerpt (approximately 450 words) of a book to distribute to each student in the class for inclusion in individual notebooks. (Each student receives a free copy which includes the copyright notice.)
- An elementary teacher requests the librarian to make 23 copies of a diagram in a book. The diagram shows a comparison of the human eye with a camera, and the teacher wishes to distribute copies to the class to enable students to visualize the similarities.

Discussion:
The two examples probably represent impulse copying to clarify a learning experience for each class. Both examples meet the tests of brevity, spontaneity, and cumulative effect. However, teachers are cautioned to use this type of multiple copying infrequently and only after careful consideration and review of the guidelines.

Please note that the teachers in the examples may not request multiple copies of the same material in the following semesters or years. However, teachers who anticipate such requests may contact or have the librarian contact the copyright holder to request permission to duplicate the materials.

Information to include in a letter of request has been detailed as guidelines drawn up by the Association of American Publishers, and reproduced here:

1. Title, author and/or editor, and edition of materials to be duplicated.

2. Exact materials to be used, giving amount, page numbers, chapters and, if possible, a photocopy of the material.
3. Number of copies to be made.
4. Use to be made of duplicated materials.
5. Form of distribution (classroom, newsletter, etc.)
6. Whether or not the material is to be sold.
7. Type of reprint (ditto, photocopy, offset, typeset).

The holder of the copyright is the person or firm designated on the title page or the reverse of the title page as the holder of the copyright. Sometimes the designation includes "acknowledgements" which indicate that not all the material belongs to the copyright holder. Separate permission is necessary for acknowledged material. To find an address check with the librarian or look in *The Literary Marketplace*, published by the R. R. Bowker Company.

Sample Request for Permission

No Name School District
No Name, Texas _____

May 31, 198___

Permissions Department
Any Name Company
Any Name Street
Any Name, TX _____

Gentlemen:

I am requesting permission to duplicate for next semester's class, the following:

Title: *Managing the School Library Media Center*, third edition.
Copyright: Any Name Company, 1960, 1970, 1983.
Author: L. Ibrary and M. Edia
Information to be duplicated: Pages 66, 67, and 68 (photocopies enclosed) in Chapter Two.
Number of copies: 27
Distribution: Senior Library Skills Class: the materials will be given free to the students.
Type of reprint: ditto

The charts on these pages will serve as supplementary materials in reference skills. A self-addressed envelope is enclosed for your convenience.

Please inform me of your fee for this permission.

Sincerely

Al Goodguy, Librarian
No Name High School

MUSIC

Guidelines for Educational Uses of Music

The purpose of the following guidelines is to state the minimum and not the maximum standards of educational "fair use" under Section 107 of H.R. 2223. The parties agree that the conditions determining the extent of permissible copying for educational purposes may change in the future, that certain types of copying permitted under these guidelines may not be permissible; and, conversely, that other types of copying not permitted under these guidelines may be permissible under revised guidelines.

Moreover, the following "statement of guidelines" is not intended to limit the types of copying permitted under the standards of "fair use" under judicial decision and which are stated in Section 107 of the Copyright Revision Bill. There may be instances in which copying which does not fall within the guidelines stated below may, nonetheless, be permitted under the criteria of "fair use".

A. Permissible Uses

1. Emergency copying to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course.

2. For academic purposes other than performance, single or multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a selection, movement or aria, but in no case more than 10 percent of the whole work. The number of copies shall not exceed one copy per pupil.

3. Printed copies which have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.

4. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.

5. A single copy of a sound recording (such as a tape, disc or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains to the copyright of the music itself and not to any copyright which may exist in the sound recording.)

B. Prohibitions

1. Copying to create or replace or substitute for anthologies, compilations or collective works.
2. Copying of or from works intended to be "consumable" in the course of study or of teaching such as workbooks, exercises, standardized tests and answer sheets and like material.
3. Copying for the purpose of performance, except as in A(1) above.
4. Copying for the purpose of substituting for the purchase of music, except as in A(1) and A(2) above.
5. Copying without inclusion of the copyright notice which appears on the printed copy.

"Guidelines for Educational Uses of Music" were submitted April 30, 1976, by representatives of the Music Publishers' Association of the United States, Inc., the National Music Publishers' Association, Inc., the Music Teachers National Association, the Music Educators National Conference, the National Association of Schools of Music, and the Ad Hoc Committee on Copyright Law Revision.

The music guidelines constitute a major area of concern because of their implications for school performances. Also, these guidelines govern both printed music and sound recordings (audio disk, cassette or tape recordings). Music educators should be made aware of the guidelines, particularly the "fair use" aspect of "emergency copying to replace purchased copies which for any reason are not available for an imminent performance" and the accompanying commitment to purchase replacement copies. Multiple copying of printed music for classroom situations is permitted as long as it does not exceed the limitations in item A(2) of the guidelines. However, it should be noted that no such permission is granted for sound recordings which may be governed by both music and sound recording copyrights. Finally, the prohibitions should be read in all cases to ensure that there is no copyright infringement.

Television Programs

Guidelines for Off-Air Recording of Broadcast Programming for Educational Use

In March 1979, Congressman Robert Kastenmeier, Chairman of the House Subcommittee on Courts, Civil Liberties and Administration of Justice, appointed a Negotiating Committee consisting of representatives of education organizations, copyright proprietors, and creative guilds and unions. The following guidelines reflect the Negotiating Committee's consensus as to the application of "fair use" to the recording, retention, and use of television broadcast programs for educational purposes. They specify periods of retention and use of such off-air recordings in classrooms and similar places devoted to instruction and for home-bound instruction. The purpose of establishing these guidelines is to provide standards for both owners and users of copyrighted television programs.

1. The guidelines were developed to apply only to off-air recording by nonprofit educational institutions.

2. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained by a nonprofit educational institution for a period not to exceed the first forty-five (45) consecutive calendar days after date of recording. Upon conclusion of such retention period, all off-air recordings must be erased or destroyed immediately. "Broadcast programs" are television programs transmitted by television stations for reception by the general public without charge.

3. Off-air recordings may be made only at the request of and use by in course of relevant teaching activities, and repeated once only when instructional reinforcement is necessary, in classrooms and similar places devoted to instruction within a single building, cluster or campus, as well as in the homes of students receiving formalized home instruction, during the first ten (10) consecutive school days in the forty-five (45) day calendar day retention period. "School Days" are school session days—not counting weekends, holidays, vacations, examinations periods, or other scheduled interruptions—within the forty-five (45) calendar day retention period.

4. Off air recordings may be made only at the request of and use by individua. teachers and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.

5. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.

6. After the first ten (10) consecutive school days, off-air recordings may be used up to the end of the forty-five (45) calendar day retention period only for teacher evaluation purposes, i.e., to determine whether or not to include the broadcast program in the teaching curriculum, and may not be used in the recording institution for student exhibition or any other nonevaluation purpose without authorization.

Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

8. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

9. Educational institutions are expected to establish appropriate control procedures to maintain the integrity of these guidelines.

The off-air taping guidelines govern only copyrighted television programs broadcast by commercial and noncommercial stations for reception by the general public without charge. They do apply to retransmissions and to cable if the latter is the only redistribution means available in the area. Programs produced before January 1, 1978, will bear a copyright notice (the symbol "c", the word, "Copyright", or the abbreviation, "Copr.") and the year; otherwise they are unprotected. Since 1978, broadcast programs are not required to bear the copyright notice, however, the absence of the copyright notice does not necessarily mean that the works are in the public domain. The local broadcasting agency will provide information concerning copyright upon request.

As a result of a March 10, 1983, Federal Court decision extreme caution is urged in off-air taping of copyrighted materials. The United States District Court of Western New York ruled that "any temporary videotaping and playback in classrooms of copyrighted materials readily available by rental, lease or license duplicating agreement is infringement and is not fair use!"

Although the defendents requested the court to permit temporary videotaping and playback for 10 days under the guidelines, the court ruled that since licensing agreements were "clearly available" the guidelines do not apply. Educators should note that a classroom showing of a videotape constitutes a "public performance" and that each performance in a classroom from illegal copies is a separate instance of infringement of the law.

Educators are advised to seek written authorization prior to copying or playback. Most producers offer works for short or long term use either by rental or license, and will supply details concerning terms and other options. Call or write for the producer's policy--Do not assume!

MICROCOMPUTER SOFTWARE

Copyright Amendments Relating to Computer Programs

The 1976 Copyright Act specified in Section 117 that Congress would extend protection to computer programs as a new kind of literary work. The Copyright Act, amended December 12, 1980, defines a computer program as follows:

> A "computer program" is a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result.

Of more crucial importance to educators is the amendment to Section 117 of Title 17 of the United States Code. This amendment states:

> Notwithstanding the provision of Section 106 it is not an infringement for the owner of a copy of a computer program to make or authorize the making of another copy or adaptation of that computer program provided:
>
> 1. that such a new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that it is used in no other manner, or
>
> 2. that such a new copy or adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful.
>
> Any exact copies prepared in accordance with this section may be leased, sold, or otherwise transferred, along with the copy from which such copies were prepared, only as part of the lease, sale, or other transfer of all rights in the program. Adaptations prepared may be transferred only with the authorization of the copyright owner.

Any additional copying, other than that specified in the law, of copyrighted software diskettes is strictly forbidden. Lease or purchase agreements negotiated by the district will stipulate how the program may be used and conditions under which it may be copied. Sometimes, for a higher fee, contracts will allow copying for classroom use.

The printed documentation accompanying the diskette or tape is protected like all other copyrighted material. It may be photocopied for a teacher's personal use, but making copies for classroom distribution without permission or purchase is an infringement. As with the diskette or tape, copies of the printed documentation for archival purposes are permitted.

Robert Walton, author of *Microcomputers and the Library*, noted that frequently the district's investment in software over a period of years will far exceed the original purchase of hardware. Therefore, some recommendations for the management of microcomputer software to ensure strict adherence to copyright observance are set forth.

> Strict policies should be established which explicitly define the use and restrictions concerning access to school owned software. In addition to the obvious problems of careless damage, theft or loss, the library staff and the faculty have an ethical responsibility to software developers to restrict, to the best of their ability, piracy of software. Piracy is currently the biggest threat to the continued development of applications software.

School libraries should consider adopting all or part of the following procedures.

1. Immediately upon receipt of software from the distributor or developer, the library should make a disk to disk, cassette to cassette copy of the program. The original should be permanently filed in a restricted off-site location (away from the microcomputer installation). The copy should then be labeled clearly with a warning against unauthorized copying, [Notice: This material protected by copyright law (Title 17, U.S. Code)] and stored with the documentation in a reserve type, nonstudent access area. Only the copy should be loaned to students and faculty for use with the system.
2. All software should be limited to building use.
3. Except in those cases where software is used in multiples to perform some specific task (CP/M + MBASIC + WORDSTAR), only one software package should be released to a student or teacher at one time.

Students should be prohibited from passing software diskettes from station to station or machine to machine, also from bringing blank diskettes, copyrighted materials, or illegal copies into the computer area. All access to library owned software should be controlled through the library staff software coordinator.

The need for software in the learning resources (library) center collection to be accessed by teachers and students for use in possible combination with other media poses questions concerning copyright. Examples include:

- What is considered "fair use"?

  May teachers make copies of programs for classroom use?
- Is there any difference between teacher-owned programs and school district-owned programs?
- Is it legal to modify a program to fit a particular educational setting?

These and other questions are treated in the 1976 Copyright Act and its 1980 amendments which deal specifically with computer programs. Under the new law, computer programs are clearly within the protection of copyright; therefore, the educational user will find it less difficult to answer questions concerning copying and "fair use". A strong policy statement supported by inservice presentations and appropriate learning resources (library) center procedures will provide answers and assurances to teachers and to a large extent avoid the possiblity of legal action for infringement. Furthermore, a strong policy statement and appropriate procedures that guarantee the security of copyrighted materials will be advantageous in obtaining preview privileges for materials to be considered for purchase from producers/developers.

Students and teachers should attend an orientation program prior to using the microcomputer area. Orientation topics should include:

1. Inventory of all equipment intended for student/faculty use
2. Inventory of all software intended for student/faculty use
3. Identification of faculty and library staff available to assist students and teachers in the use of the microcomputer work areas
4. Library policies and procedures
5. Scheduling procedures for the facilities
6. Copyright law and local policies protecting computer software and the ethics governing software piracy.

APPENDIX

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COMPLIANCE STATEMENT

TITLE VI, CIVIL RIGHTS ACT OF 1964; THE MODIFIED COURT ORDER, CIVIL ACTION 5281, FEDERAL DISTRICT COURT, EASTERN DISTRICT OF TEXAS, TYLER DIVISION

Reviews of local education agencies pertaining to compliance with Title VI Civil Rights Act of 1964 and with specific requirements of the Modified Court Order, Civil Action No. 5281, Federal District Court, Eastern District of Texas, Tyler Division are conducted periodically by staff representatives of the Texas Education Agency. These reviews cover at least the following policies and practices:

(1) acceptance policies on student transfers from other school districts;
(2) operation of school bus routes or runs on a non-segregated basis;
(3) nondiscrimination in extracurricular activities and the use of school facilities;
(4) nondiscriminatory practices in the hiring, assigning, promoting, paying, demoting, reassigning, or dismissing of faculty and staff members who work with children;
(5) enrollment and assignment of students without discrimination on the basis of race, color, or national origin;
(6) nondiscriminatory practices relating to the use of a student's first language; and
(7) evidence of published procedures for hearing complaints and grievances.

In addition to conducting reviews, the Texas Education Agency staff representatives check complaints of discrimination made by a citizen or citizens residing in a school district where it is alleged discriminatory practices have occurred or are occurring.

Where a violation of Title VI of the Civil Rights Act is found, the findings are reported to the Office for Civil Rights, Department of Health, Education and Welfare.

If there is a direct violation of the Court Order in Civil Action No. 5281 that cannot be cleared through negotiation, the sanctions required by the Court Order are applied.

TITLE VII, CIVIL RIGHTS ACT OF 1964; EXECUTIVE ORDERS 11246 AND 11375; TITLE IX, 1973 EDUCATION AMENDMENTS; REHABILITATION ACT OF 1973 AS AMENDED; 1974 AMENDMENTS TO THE WAGE-HOUR LAW EXPANDING THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967; AND VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT OF 1972 AS AMENDED IN 1974.

It is the policy of the Texas Education Agency to comply fully with the nondiscrimination provisions of all federal and state laws and regulations by assuring that no person shall be excluded from consideration for recruitment, selection, appointment, training, promotion, retention, or any other personnel action, or be denied any benefits or participation in any programs or activities which it operates on the grounds of race, religion, color, national origin, sex, handicap, age, or veteran status (except where age, sex, or handicap constitute a bona fide occupational qualification necessary to proper and efficient administration). The Texas Education Agency makes positive efforts to employ and advance in employment all protected groups.

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Texas Education Agency
201 East 11th Street
Austin, Texas 78701
GE4 244 01